

REMARKS

The enclosed is responsive to the Examiner's Final Office Action mailed on April 13, 2004 and is being filed in pursuant to a Request For Continued Examination (RCE) as provided under 37 CFR 1.114. Applicant has amended no claims and cancelled no claims. Claims 23-30 are now pending.

Claims 23-25 and 27-29 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Buskens, et al., (U.S. No. 5,905,871) (hereinafter Buskens), and further in view of Olkin (U.S. No. 6,310,892) (hereinafter Olkin). With respect to Claims 23 and 27, the Examiner states that the combination of Olkin and well-established teaching in the art teach the feature of intermediate nodes positioned in succession from a source/destination node, wherein the intermediate nodes have retry timers programmed with relatively smaller retry time periods than intermediate nodes located relatively closer in succession to the source/destination node. Applicant respectfully disagrees with this interpretation of Olkin.

Olkin teaches that a retry timer of a source node may be adjusted after observation of previous round-trip times. For example, at column 7, lines 6-12, Olkin describes that

. . . round-trip times taken for successful acknowledgments of transmission are observed and used to constantly adjust the retransmission timer. The adjustment of the retransmission timer permits adaptation to existing network and node conditions, thereby avoiding retransmissions based on a particular link that is consistently slower than other links.

However, Olkin does not disclose or suggest a system with a plurality of intermediate nodes which have retry timers set based on positioning relative to a

source node. Olkin does not even mention the concept of intermediate nodes with retry timers.

Buskens describes a method of multicasting from a "source node" to a plurality of "destination nodes." Each source node retransmits data upon expiration of a retransmission timer. Buskens further describes that each destination node includes a timer for triggering a status signal which identifies packets that it has not received. Finally, Buskens describes a "designated receiver" node which includes a retransmission timer used to retransmit data to one or more destination nodes.

However, Buskens does not disclose or suggest a system with a plurality of intermediate nodes which have retry timers set based on positioning relative to a source node. Buskens does not even mention any guidelines for determining the length of times for any of the retry timers used in its nodes.

Furthermore, Applicant respectfully disagrees that the previously recited features of Claims 23 and 27 are well-established teaching in the prior art. Therefore, Applicant requests the Examiner cite references in support of his position.

Accordingly, Applicant respectfully submits that Claims 23 and 27 are in condition for allowance. Because Claims 24-25 and 28-29 depend from Claim 23 or 27 and include additional features, Applicant respectfully submits that Claims 23-25 and 27-29 are in condition for allowance.

Claims 26 and 30 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Buskens and further in view of Olkin as applied to claims 23

and 27 and further in view of Pierson (U.S. No. 6,621,833) (hereinafter Pierson).

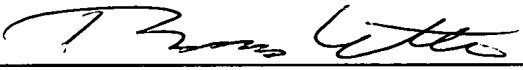
Because Claims 26 and 30 depend from Claim 23 or 27 and include additional features, Applicant respectfully submits that Claims 26 and 30 are in condition for allowance.

CONCLUSION

Applicants submit that all pending claims are in condition for allowance. If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Thomas Webster at (408) 720-8300.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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